

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-CR-00259-RJC-DCK

USA)
)
v.) ORDER
)
LORETTA BLAKENEY-HERRON (1))
)

THIS MATTER is before the Court upon motion of the defendant pro se to vacate a mandatory minimum sentence in light of Alleyne v. United States, 133 S. Ct. 2151 (2013), because facts used to impose her sentence were not found by a jury. (Doc. No. 321).

The defendant's conviction and sentence became final in 2010 when she did not file an appeal following entry of the judgment. (Doc. No. 273: Judgment). Accordingly, the defendant must seek relief pursuant to 28 U.S.C. § 2255. Additionally, the defendant's reliance on Alleyne is misplaced because she admitted the facts necessary to impose the two year mandatory sentence for a violation of 18 U.S.C. § 1028A and waived a jury determination of her guilt. (Doc. No. 133: Plea Agreement at 1, 6; Doc. No. 120: Acceptance and Entry of Guilty Plea at 3).

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 321), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: September 27, 2016


Robert J. Conrad, Jr.
United States District Judge

